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FILED
BOARD OF PHYSICAL THERAPY
OCT 23 2007

By: Tara Adams Ragone
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
	:	
JOSEPH P. KELLY, P.T.	:	CONSENT ORDER
License No. 40QA00324800	:	
	:	
TO PRACTICE PHYSICAL THERAPY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the State Board of Physical Therapy ("Board") upon the Board's receipt of a referral from the Bacharach Institute for Rehabilitation following a complaint filed by L.P., a former patient of Joseph P. Kelly, P.T. ("Mr. Kelly" or "Respondent").

Based on the investigative materials developed, the Board finds that Mr. Kelly in or about December 2001 performed an inter-rectal digital manipulation of L.P.'s coccygeus muscle without specific direction from the referring licensed health care provider.

Mr. Kelly, through his Counsel, Timothy M. Crammer, Esq., has notified the Board that he desires to resolve the matter without the need for an administrative hearing. The Board has determined that the within disposition is adequate to protect the public health, safety, and welfare. Mr. Kelly consents and agrees to each and every term of this Consent Order. For such reasons and other good cause shown,

IT IS on this 23rd day of October, 2007

ORDERED:


1. Respondent, Joseph P. Kelly, hereby is reprimanded for engaging in professional misconduct by failing to refer the patient to a physician when there was reason to believe, in that there was no specific direction from the referring physician for the procedure performed, that symptoms or conditions were present that required services outside the scope of practice of the licensed physical therapist, in violation of N.J.A.C. 13:39A-2.5(a)(1).

2. Mr. Kelly shall pay the State's investigative costs in the amount of \$4,150.00 in equal monthly installments over a maximum period of eighteen (18) consecutive months at the Court Rule rate of interest, which monthly installments shall be due by the 15th day of each month, commencing thirty (30) days after the entry of this Order and continuing until the balance is paid in full. All payments shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to the attention of the Executive Director of the Board. The Board

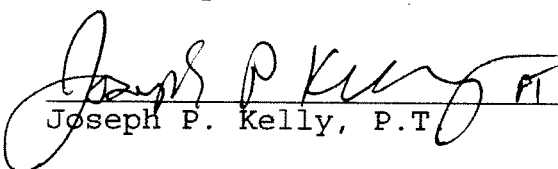
reserves the right to file a certificate of debt for the full amount of costs outstanding when this Order is entered by the Board. Failure to make timely payments shall be considered a violation of this Order, shall result in acceleration of the balance of debt, and shall render the entire balance due and owing.

3. Mr. Kelly shall be subject to a penalty of \$2,500.00, the entire amount of which hereby is stayed. In the event that Mr. Kelly is found to have violated a Board statute and/or regulation in the future, the Board reserves the right to activate and impose said penalty.

STATE BOARD OF PHYSICAL THERAPY


Nancy Kirsch, P.T., Ph.D.
Chairperson

I have read the within Order. I understand the Order, and I agree to be bound by its terms and conditions. I hereby consent to the entry of this Order.


Joseph P. Kelly, P.T.

10.10.2007
Date

I hereby consent to the form and entry of this Order.

Crammer, Bishop, Marczyk & O'Brien
Attorney for Joseph P. Kelly, P.T.

By: 

Timothy M. Crammer, Esq.

10.16.07
Date